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Attorney for Plaintiff
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By: Daniel M. Vannella (015922007)
Assistant Attorney General

	:	SUPERIOR COURT OF NEW JERSEY
JUDITH M. PERSICHILLI,	:	MERCER COUNTY VICINAGE
R.N., B.S.N., M.A., in her	:	CHANCERY DIVISION - GENERAL
official capacity as	:	EQUITY PART
Commissioner of the New	:	
Jersey Department of	:	DOCKET NO.: C-48-20
Health,	:	
	:	
Plaintiff,	:	<u>CIVIL ACTION</u>
	:	
v.	:	
	:	ORDER TO SHOW CAUSE
ATILIS GYM BELLMAWR,	:	
	:	
Defendant.	:	

THIS MATTER being brought before the court by the filing of a Verified Complaint by Gurbir S. Grewal, Attorney General of New Jersey (Assistant Attorney General Daniel M. Vannella appearing), on behalf of Plaintiff, Judith M. Persichilli, in her official capacity as the Commissioner of the State of New Jersey Department of Health, seeking relief by way of temporary restraints pursuant to Rule 4:52-1 to enforce the Department's May 20, 2020 Emergency Closure Order against Defendant Atilis Gym Bellmawr, located at 363 W. Browning Rd. Bellmawr, New Jersey 08031 ("Atilis Gym"), through a summary proceeding under Rule 4:67-6, based upon the facts set forth in the Verified Complaint filed herewith; and it

appearing that Defendant Atilis Gym having received notice of the filing of this application for temporary restraints on May 22, 2020, by way of email and an on-the-record hearing; and the court having determined that an immediate hearing should be held to enforce an agency order/determination; and for good cause shown;

IT IS on this 22nd day of May, 2020,

ORDERED that Plaintiff's request for temporary restraints enjoining Defendant Atilis Gym from opening its facility is hereby granted; is it further

ORDERED that Defendant Atilis Gym shall remain closed to the public including any and all members until they are provided notice from the Department lifting the Department's May 20, 2020 Closure Order or some other legal authority lifting the Closure Order; it is further

ORDERED that Plaintiff is authorized to take further steps to secure the premises and ensure it stays closed to the public, such as by locking the facility's doors; it is further

ORDERED that Defendant appear and show cause on the 8th day of ~~May~~ June, 2020, before the Hon. Robert Lougy, J.S.C., in a remote proceeding consistent with numerous orders of the New Jersey Supreme Court ~~at the Superior Court of New Jersey, Chancery Division General Equity Part, Mercer County Courthouse, Street, Courtroom #, Trenton, New Jersey, 08650, at~~ o'clock in the 1:30p.m. noon, or as soon thereafter as counsel may be

heard, on why an order should not be issued preliminarily:

This matter will proceed via video conference with a public stream. Invitations will be sent to all counsel.

- A. Directing Defendant to comply with the May 20, 2020 Order requiring Atilis Gym to close its facility;
- B. Authorizing the State to secure the premises of Atilis Gym to ensure that it remains closed;
- C. Such other relief as this court deems appropriate.

ORDERED that a copy of this order to show cause, complaint, memorandum of law and certification of service be served upon defendants, within 3 days of the date hereof, or as otherwise specified by the court: _____ in accordance with Rule 4:4-3 and Rule 4:4-4, this being original process; it is

ORDERED that Plaintiff must file his proof of service of the pleadings on defendants no later than 7 days before the return date; it is

ORDERED that Defendant shall file and serve a written opposition to the order to show cause, along with proof of service, by May 29, 2020. The opposition must be filed with the Clerk of the Superior Court in the county listed above ~~and a copy of the papers must be sent directly to the chambers of the Honorable~~ 7 J.S.C. A copy of the opposition papers must be sent to Plaintiff's counsel, whose name and address appears above; it is

ORDERED that plaintiff must file and serve any written reply to Defendant's opposition by June 4, 2020. The reply

papers must be filed with the Clerk of the Superior Court in the county listed above ~~and a copy of the reply papers must be sent directly to the chambers of the Honorable~~
~~=====~~, ~~U.S.C.~~. A copy of the reply papers must also be sent to counsel for Defendant; it is

ORDERED that if Defendant does not file and serve opposition to this order to show cause, the application will be decided on the papers on the return date and relief may be granted by default, provided that Plaintiff files a proof of service at least three days prior to the return date; and it is

ORDERED that defendants take notice that plaintiff has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this order to show cause states the basis of the lawsuit. If you dispute this complaint, you, or your attorney, must file a written opposition to the order to show cause and proof of service before the return date of the order to show cause. These documents must be filed with the Clerk of the Superior Court in the county listed above. A directory of these offices is available in the Civil Division Management Office in the county listed above and online at njcourts.gov/forms/10153_deptyclerklawref.pdf. A filing fee payable to the "Treasurer State of New Jersey" may also be required. You must also send a copy of your written opposition to plaintiff's attorney, whose name and address appear above. A telephone call will not protect your rights; you must file and

serve your written opposition with the fee or judgment may be entered against you by default; and it is

ORDERED that defendants take notice that if you cannot afford an attorney, you may call the Legal Services office in the county in which you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at njcourts.gov/forms/10153_deptyclerklawref.pdf; and it is

ORDERED that Court will entertain argument, but not testimony, on June 8, 2020 at 1:30 p.m.; and it is

ORDERED that this Order to Show Cause shall be deemed served and filed upon receipt from a Judiciary email account (xxx@njcourts.gov).

/s/ Robert Lougy
- ROBERT LOUGY, P.J. Ch.